

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

GARY EDGAR,

Plaintiff,

ORDER

v.

09-cv-0264-bbc

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

Plaintiff Gary Edgar has filed a motion asking the court to issue a subpoena, directing the Office of Disability Adjudication and Review to produce transcripts of plaintiff's disability hearing and a copy of an October 2001 Global Assessment of Functioning test. The motion will be denied. Under 42 U.S.C. § 405(g), the commissioner must file a certified copy of the record, including a transcript of the hearing and a copy of the administrative law judge's final decision, as part of its answer to the summons and complaint. The transcript ought to contain all of the evidence that was before the administrative law judge at the hearing. Accordingly, the issuance of a subpoena is unnecessary. Plaintiff should focus his efforts on serving the summons and complaint as directed by Fed. R. Civ. P. 4.

ORDER

The motion of plaintiff Gary Edgar for the issuance of a subpoena (dkt. 6) is DENIED.

Entered this 4th day of June, 2009.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge